

Chapter Twelve

Prison, And The Tragedy At Manti

In 1889 Joseph Murdock was arrested and sent to the Territorial Prison! Beginning with Joseph Smith's 1843 revelation regarding polygamy until the Edmunds-Tucker law of 1887 made the practice illegal, governments at every level had tried to arrest Mormons having plural wives. There was no law prohibiting polygamy when Joseph married his plural wives, and the Edmund-Tucker law only made plural marriages illegal after 1887, but had no provisions for those who entered into its covenants before that date. Federal Marshals were appointed to spy on and identify suspected violators of the law. Joseph was one of those who marshals kept under surveillance, but since there were no grounds to arrest him for violating the Edmunds-Tucker law, he was arrested and charged with unlawful cohabitation.

William Forman made several references in his journal regarding federal marshals sneaking around Heber City, and how they cultivated informants in order to catch "polygs" and "cohabs", those practicing polygamy or unlawful cohabitation. In one entry Forman wrote,

"Deputy Van Dercook missed me at Heber as I was out in the mountains, but he caught John Duke, John Witt and Joseph Moulton. We were exposed by an apostate," Caleb Moore. Someone has to do such a dirty job!"⁽¹⁾ But Forman was caught not long afterwards by Marshal Doyle

and was taken to Provo where he plead guilty to unlawful cohabitation and was fine \$150. His journal reveals, "No one offered me the cash which I had ten days to raise. Bishop Hatch said he would loan it to me at 1% interest, but I told him that I would rather sell my sheep than pay such a high rate." (2)

In his journal Joseph says only that he appeared before Judge Blackburn at Provo. He was arrested at a time when some polygamists were being fined as much as \$1,000 and sentenced to as long as eight years in jail. His old friend, George Q. Cannon, had been sentenced to a fine of \$400 and 175 days in jail, and was in prison at the same time that Joseph was. They had their photo taken together while in prison.

Apparently Joseph's reputation preceeded him to Judge Blackburn's court, for he was treated with the utmost courtesy and was given the least possible fine and sentence. Both Eunice and Pernetta had died, but he was still married to Eliza, Elizibeth and Jane. Judge Blackburn told him he would have to repudiate two of his wives and be legally married to only one. Joseph refused to do so and told the Judge that he would not forsake the sacred vows he had made to his wives when they were young, only to abandon them now that they were old. His journal reveals his feelings.

"I firmly believed in the doctrine of plurality of wives, I believe it was from God and that no man could persuade me to repudiate my wives. I told Judge Blackburn that I'd be damned if I would give up any of them, they had been true to me and I would not go back on the promises we made to each other in our youth." (3) Judge Blackburn was visably impressed, and recognized Joseph's complete

honesty. He sentenced him to the minimum sentence possible, a token incarceration of only one month in the Territorial Prison, and then granted him a leniency allowed few others. Instead of remanding him to a marshal for immediate incarceration, he handed Joseph his own commitment papers and told him he could leave the court unattended by any guard and return to Heber City to get his crops harvested, and when he had his affairs in order to report to the prison. The Judge's light sentence and leniency in enforcing it was a real testimony of even the gentile court's respect for his honesty and trustworthiness.

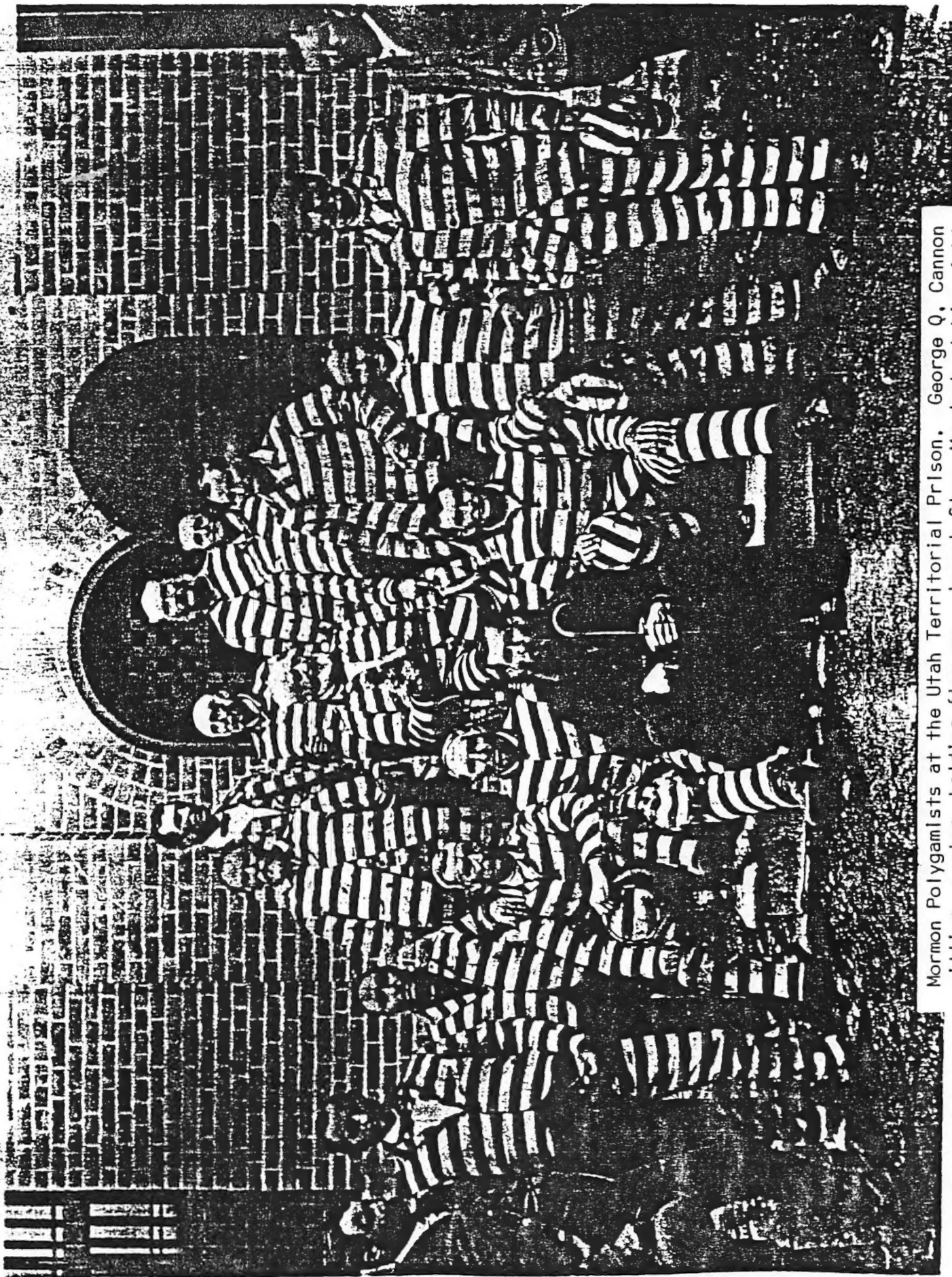
Joseph returned to his home, got his farm work completed and visited with all of his family and friends. On the day he went to the Territorial Prison at Salt Lake City, he rode accompanied by an escort of all of his grown sons. When he presented himself at the prison, the warden looked over the large group of rough looking riders with him and said, "There's no need to bring an army with you!"⁽⁴⁾

At the prison Joseph found that he was among many of his old friends from earlier times. He visited with men he had known at Nauvoo and those he had served with at Echo Canyon, and who he had been with at Carson Valley and on the Muddy River Mission. Among them were Abraham Kimball from the Muddy and George Q. Cannon. All were issued striped trousers and jackets, plus shoes, sox and a cap. They had library privledges and were allowed to visit each other for much of the day. Prison fare was healthy, but plain, consisting mostly of mush, coarse bread and either tea or water. Since the polygamists hadn't committed any real crime, they were considered to be trustees and many were allowed to work at the prison garden, or in the fields outside the prison walls.

The prison itself was a dismal place, with adobe walls 20' high and 4' thick. Beds were made of 2" x 6" planks three tiers high, with two men sharing each bunk. No bedding was issued, and prisoners had to furnish their own blankets if they wanted them. Men used to clean living looked at those bunks with dismay, for they were extremely dirty and covered with bedbugs. Roger Clawson, one of the "polygs" recalled that he could write his name in blood from the bedbugs he squashed, and he wrote that he picked no less than 250 bugs from his body one morning! (5)

Meals were served at a rough plank table where 100 men could be fed at a time. Mush was served every morning, while usually there was soup for dinner. John Crook, Joseph's neighbor from Heber City said that the soup was so thin "It was only a few degrees removed from water!" (6) The heavy, coarse bread was the most nourishing food served. Thin tea or water was served with every meal. And sleep wasn't easy at night, for a guard walked by the cells every 15 minutes, "revolver in hand." (7)

Stark as prison life was, Joseph and the other polygamists made the best of it, and many even considered serving time for their religion to be an honor, carrying the prestige of a mission. Many later said that time spent in prison was among the best times of their lives, and statements such as "I went to prison for my conscience's sake" or "I'm glad that I was worthy of being one of those imprisoned" were common. George Q. Cannon who served time with Joseph said, "I wouldn't have missed it for anything!" (8) Joseph wrote, "While in the penitentiary I met many old friends who were there for the same



Mormon Polygamists at the Utah Territorial Prison. George Q. Cannon sitting, center, holding flowers. Joseph Stacy Murdock at his right, wearing beard. Abraham Kimball, bottom center, dressed in black.

offense. Not one of them had ever been charged with a crime in their lives, so we felt we were not there as criminals, but for something we believed with all our hearts. We chatted together and recalled many incidents of pioneering, building bridges, and working with the Indians."(9)

While in prison Joseph was a keen observer of the kinds of men incarcerated there, and made friends with many of them, both murderers and desperados. Teancum Pratt, one of the other "polygs" serving time described the class of men the Mormons were incarcerated with. "There are all manner of men here, some culprits of the blackest hue. Some are awfully wicked men. Some are here for life, some for twenty years, for all kinds and grades of crimes, but mostly they are just ordinary looking men."(10)

An incident while in prison demonstrates how Joseph kept his Christian spirit even under the most adverse circumstances. While incarcerated he became acquainted with a desperado named "Tex", an outlaw who had ridden with the Robber's Roost Gang at Green River and Price. Joseph had treated him kindly and had offered to help him straighten out his life. When "Tex" got out of prison he came to Joseph's home at Heber City where he stayed for several days. When he was ready to leave, Joseph gave him the last few dollars he had and his own warm overcoat. That Christian act shows the heart of gold that was Joseph Murdock's.(11)

Joseph served his term with dignity, and when the day came for his release, all of his sons again rode up to the prison gate. They brought a carriage which Joseph rode in back to his home at Heber City.

He was soon among his family and friends again, amid love and rejoicing. He was considered almost a hero of sorts, an aged patriarch who had chosen to go to prison rather than renounce his religion. The new Heber City Tabernacle was built in 1889 and Joseph related his prison adventures at one of the first meetings held there. A new tithing office had also been built on Main Street and on March 22nd, 1889 the Wasatch Wave began publication. The Heber City that Joseph came home to was no longer only a small settlement at the edge of the wilderness.

Although he was nearly 70 years old, Joseph still operated his own farm and helped his sons at their sheep and cattle camps. An accident he described in his journal reveals just how tough an old man he really was. "When I was 69 years old one of my sons bought a bull that was crazy, but he turned him into the hills with his other cattle. I was riding along a trail on a steep hillside and was wearing a red bandanna. All at once I looked up and that bull was right on me. He had shut his eyes and plunged at me. I caught him by the horns and he raised me from my horse and threw me down the mountainside. I lit about 50' down and he came right after me. I jumped aside to get out of his way, and he went rolling down the steep canyon. I was alright and I was right side up!"(12)

In 1892 Al and Jim Murdock established a livery stable and began operating the first stage coach service to Park City. They hired Elisha Duke as their stage driver and he continued carrying the mail between Heber and Park City for more than 50 years, progressing from stage coach to a white-top buggy and later to horseless carriages. Duke said that he wore out 14 Fords and almost as many Studebakers

over the years. He never had an accident and never took a vacation. Also in 1892, Joseph and Jane's daughter Margaret Ellen married George Murray and began housekeeping. A receipt from the Heber Mercantile reveals that they completely furnished their new home and purchased everything necessary to get off on the right foot for \$145. That receipt records that they purchased six chairs for \$5, a bedroom suite for \$45, a rocking chair for \$1.50, a complete set of dishes for \$5.40, a wash board for 45c and two pounds of coffee and a coffee mill for \$1.35!

Spring floods on the Provo River had always caused great damage and sometimes loss of life at Heber Valley, so in 1889 Dave and Will Murdock convinced several other valley ranchers to help them build a series of dams at the headwaters of the river to help control the flooding. Dave oversaw the building of dams and dikes at Trial Lake, Washington, Wall, Star, Big Elk and many more small mountain lakes. They worked by hand with only picks, shovels, scrapers and horse drawn carts and wagons. Some of their rusted tools and broken wagon wheels can still be found along the trail between Trial and Star lakes. They impounded the lakes that are still popular fishing holes today, and controlled the spring run-off of the Provo River. 11,000' Murdock Mountain at the side of Bald Mountain pass high above the Mirror Lake Basin is a fitting tribute to Dave and Will Murdock.⁽¹³⁾

Dave recognized the potential of the "hot pots" at Midway as early as 1894 when he opened the Warm Lands Resort near the mouth of Pine Canyon. He described his resort in a journal entry. "At this resort there is a big plunge bath, a large dance hall and eating

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At Murdock's pioneer store at Duchesne, the Ute Reservation was opened to homesteaders.

[illegible]

statement of Hatch & Co. showing that George
Margaret Murdock Murray completely
furnished their new home for \$145!

place, kitchen and dining room, all under one roof. Dances are held every week. The grounds are prepared for ball games and horse races, while the lawns have swings for youngsters."⁽¹⁴⁾ Dave was ahead of his time, but today his foresight is preserved by the fine tourist accommodations and golf course built at the same location where he established the valley's first resort.

While Joseph was kept busy both day and night with his mail route, helping his sons with their ranchs, working his own farm, caring for his own large family and dodging federal marshals, he somehow lost control of Ab, Pernetta's son Alma. More Indian than white man, Ab had been allowed to run free and wild, working for Al on the reservation or helping Pick at the White Rocks Trading Post or just living with his Indian brothers.

Ab was young and reckless and like many young men feeling his oats, would try to get away with anything he could. Stacy Murdock recalled that even Al wasn't exempt from Ab's wild and wooly ways. "Al was always very poor pay, he would pay a man in hay, grain, meat or almost anything but cash, but once Ab got the best of him. Al's cattle brand was four bars, but sometimes he branded only three bars as a road brand until the stock was sold to some buyer. Once he branded quite a large herd with his road brand, and Ab went into Heber on the quiet and registered the three bar brand in his own name. Ab then took a buyer out to the reservation and sold him the herd, claiming it was his own. Al was terribly mad, but he let Ab get away with it, something he would probably have killed anyone else for doing."⁽¹⁵⁾

Ab spent more and more time at the Duschene Strip, an outlaw town built on reservation land, but because of an error in surveying outside the jurisdiction of any law. There he rubbed elbows with the Indian gunfighter, Tabby Weeps and gambled with outlaws like Matt Warner, Elza Lay and Bob Meeks. He became involved in trading stolen horses with long-riders from Butch Cassidy's Wild Bunch and gained a reputation as being a fast man with a gun. He was also very handsome and was known as a ladies man. Joseph had given him a good education, and Ab could read and write better than most young men at that time. Joseph was alarmed at Ab's wild ways so he directed Al to keep a tighter rein on his Indian brother. Al found Ab a job at Manti far from the reservation where he hoped Ab would settle down. But it was a vain hope, for Ab got in big trouble at Manti. The Manti Sentinel issue of July 7th, 1891 told the story.

"An Awful Tragedy! Two men use each other for targets on Manti streets! A deadly fusilade! One man killed! A terrible tragedy occurred last night which had raised great excitement. The principals are Ab Murdock of Heber City and Ernest Olds, for about six months a resident of Manti. Both were young men about 22 years of age and both had at one time worked at the Board Of Trade Saloon. There had been bad blood between the two for some time, but until last night there seemed to be no danger of any serious difficulties. Last Friday Olds was arrested and charged with striking James Barton with brass knuckles and was fined \$50. Murdock was one of the witnesses called and Olds claimed that his story was false from beginning to end. But Murdock's story was different. He said that several parties had told him that





Family of Joseph and Jane Sharp Murdock

Front Row: Sara Jane, Joseph Stacy, Jane Sharp, Margaret Ellen
 Back Row: Stanley Gibson, William Henry, David Nathaniel, Willard
 Milton (Pitt), Royal Stacy. (Author)



Nymphus Coridon Murdock
 Pioneer of 1847, Businessman,
 Sheriff, Bishop, Black Hawk War.



John Heber Murdock
 Taken during his later life
 (Author)

Olds had threatened to kill him, but although Olds' threats never amounted to much, he still thought it best to keep himself ready for whatever might happen. Last night Murdock was up town and although he was armed, no one seemed to know it. He had reached the corner by the City Hall on his way home, but went back up the street to see if anything was likely to befall him.

"After walking a half block south of the saloon he decided there was no danger and started back home. Just before he reached the saloon Olds opened the door and shot. Murdock returned the complement as soon as possible, both shots coming almost together. After firing five shots, Olds retreated into the saloon, and Murdock tried to go up town for help but was unable to walk because of a wound in his leg. He fell to the ground and was found by police a few minutes later.

"Olds stated that he was locking up the saloon when Murdock came around the corner and said, Hold Up! and fired at Olds, his shot taking effect in his abdomen. Olds reached his revolver as soon as possible and began shooting until his weapon was empty. He tried to get to his home and succeeded in reaching his kitchen where he fell. There he was found by Mr. Ottosen, the Constable. Olds positively denied that he threatened to kill Murdock, but did say, There's another time coming."

On July 10th the Sentinel added, "Ernest Olds died Wednesday night. An inquest was held next day. The remains were buried on Thursday, with quite a number of citizens attending the funeral." Ab was taken into custody for the murder of Olds, and on July 24th an article in the Sentinel stated, "Ab Murdock will soon be well

enough to stand preliminary examination. His wound is healed and only pain in the muscle is left to remind him of his share in the tragedy."

Feelings at Manti were running high and it appeared that Ab couldn't get a fair trial there. Many people were appalled that a white man had been killed by an Indian, no matter what the circumstances. Joseph hired the best attorneys he could afford, engaging the firm of Whitecotton, Gash and Reid. The attorneys had the trial moved to Provo where it was hoped a fair trial might be had, but it was hard to find an impartial jury, for many of those questioned said they couldn't see what difference it made what happened to Ab Murdock, for he was only an Indian! The trial finally got under way on October 24th, and the Manti Sentinel reported its progress.

"The Murdock trial was held at Provo last week until its conclusion. There was great difficulty in getting a jury. Dr. Hosford who was called to attend Olds said that Olds was suffering from intense shock caused by a pistol wound in the abdomen, which caused his death. When he first visited Olds, Dr. Hosford was asked what hope there was of recovery, and the Doctor told him there was none. On the same night the Doctor saw Murdock and found he was shot in the right thigh.

"Marshal Snow was called next and stated he saw the flash of the second shot from where he was sitting on a box south of the saloon, and heard someone say, Here I am! He heard six shots altogether. He found Murdock at the bridge over the creek where Murdock said, I'm broke all to pieces, Slim shot me, I don't think I hit him. The Marshal said Murdock told him that as he was passing the saloon door

slim opened fire. I shot once after I started to retreat up the street."

On cross examination Ab added, "It was smokey between us, saw slim only from the flash of his pistol. I fired three shots, one discharged as I fell. When I got up I saw his body by the flash of his gun and shot once more. I got the pistol from Mrs. Westfall on the morning of the 4th of July after the dance, my cause for carrying the pistol was that I had heard of Olds' threats and believed them. Mrs. Westfall was questioned, stated she knew Olds and had heard him say that he would do Murdock up."

Several other witnesses testified, after which the Judge gave instructions to the jury. To Ab's attorneys it seemed that the Judge was asking the jury to find Ab guilty, and they objected, but to no avail. "Gentlemen of the jury. The evidence in this case, if it proves anything, proves murder in the first degree. If you find the defendant guilty, you might find it in your conscience to recommend him to the mercy of the court." The jury found Ab guilty of murder and recommended him to the mercy of the court. On October 21st, 1891 he was sentenced to life imprisonment at hard labor.⁽¹⁶⁾

Joseph was crushed by the juries finding, since all of the evidence clearly showed that Ab had fired at Olds in self defense, and it seemed that he was being sent to prison only because he was an Indian. Although Ab had been running wild, Joseph knew deep in his heart that he wasn't guilty of premeditated murder. He had only recently been released from the same prison Ab was being sent to, so he knew the harsh place it was and the desperate men Ab would

meet there. He knew that Ab's spirit would rebel at being confined in a cage, and he vowed to free him if it took his life and every penny he could raise. Stacy Murdock recalled hearing Joseph say that he "would go to hell if he had to, to get Ab free!"(17)

Ab was artistic and learned to make beautiful things while in prison. He sent beaded riding gloves to his sisters and braided rawhide lariats for his brothers. He wrote letters which reveal the penmanship and deep thought of a well educated man. A letter written on February 11th, 1892 reveals the spirit of a sensitive, caring person, not the half wild savage he had been portrayed in court. It reads in part, "I received a letter from Brother Stan. He is well and I don't think that he ever drinks, so he is alright. I am trying to be as content as possible, but I will say that it is hard work for a person to be content here. Just think of 218 men in a box, no two alike, stumbling in one another's way. But we get along fine, taking into consideration our different crimes, for we have all kinds, from murderers down to men who would steal the cross from Jesus Christ. Now I will close, thanking you for all the things you have sent. please remember me kindly to all, for there is one thing yet, even if I am tied down I can still think of home, and so I do. From your crucified boy, Alma."(18)

His letters do not portray Ab as "only an Indian", and while in prison he made the best of his ordeal and took advantage of the prison library to study law. Meanwhile Joseph left no stone unturned or legal appeal untried in his efforts to get his son out of prison. But appeals were slow and costly, and as time went on, Joseph grew older.

Footnotes - Chapter 12

1. Diary of William Forman, USHS
2. Ibid
3. Journal JSM
4. Interview with Paul Murdock, reminiscences of his father, John H. Murdock, February 15th, 1972
5. Utah Historical Quarterly, Vol 47, Pg 31 .
6. John Crooks Journal, Utah Historical Quarterly, Vol 6, # 3
7. Diary of George C. Wood, Utah Historical Quarterly, Vol 47, Pg 30
8. Journal of George Q. Cannon, Ibid, Pg 25
9. Journal JSM
10. Journal of Teancum Pratt, UHQ, Vol 47, Pg 35
11. Reminiscences of Jos. Stacy Murdock as told to Millie Witt Murdock
12. Journal JSM
13. High Uintas Hi, Pg 243, Roy Lambert, 1964
14. Interview with David N. Murdock, WPA Writer's Project, USHS
15. Interview with Stacy Murdock, February 17th, 1972, Heber City, Utah
16. Manti Sentinel, issues of 7, 10, 24 July & 24 October, 1891
17. Interview with Stacy Murdock, February 17th, 1972, Heber City, Utah
18. Letter of Alma (Ab) Murdock, Utah Territorial Prison, dated February 11th, 1892